IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2862 of 1986

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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PRAVINCHANDRA V MODI - Petitioner(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
UNSERVED-EXPIRED (N) for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 15/11/2005

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India seeking direction to the respondent to prepare a select list to determining the seniority of the petitioner and to promote the petitioner to the post of Superintending Engineer accordingly.

2.The petition was filed by the petitioners' advocate Shri A.G. Uraizee. This Court has issued rule on 27.05.1986 and interim relief was granted directing the respondent to keep one post of Superintending Engineer vacant. The said interim relief was, however, vacated by the subsequent order dated 24.03.1986. During the pendency of this petition, the petitioner expired and the office endorsement shows that fresh notice issued on the petitioner remains unserved as he expired. Despite the death of

the petitioner, his legal heirs have not taken any care to bring their name on record to pursue this matter. The petition, therefore, stands abated. It is, however, open for the legal heirs of the petitioner to move this Court in case of any difficulty or if need so arises.

3.Subject to the aforesaid clarification, the petition is disposed of as having been abated. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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